

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
AUGUST 22, 2019

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, August 22, 2019, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m.

Ms. Jill Bailey conducted a roll call. Commissioners present were: Chat Phillips and Chairman Jack Winstead. Commissioners who participated telephonically were: John Dane III, Patrick Johnson, Brenda Lathan, Jamie Martin, and Billy Van Devender.

Others present were: Gary Rikard, Executive Director; Tony Caldwell, Roy Furrh, Lynn Chambers, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Winstead after which the following business was transacted:

Notice of Meeting

The Commission was informed that the legal Notice of Meeting concerning the time, date, place and manner of this meeting had been posted publicly as required by law and also posted on the MDEQ website.

The Notice of Meeting read as follows: "Please take note that the regularly scheduled meeting of the Mississippi Commission on Environmental Quality on Thursday, August 22, 2019, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Approval of Minutes of June 27, 2019 Meeting
- Water Pollution Control State Revolving Fund Loan Program, Proposed Resolution of Necessity to Issue Bonds;
- Water Pollution Control Revolving Loan Fund Program, Proposed Adoption of FY-2019 Intended Use Plan;
- Mississippi Commission on Environmental Quality v. High Cotton Oil Company, Inc., Proposed Final Order;
- Environmental Covenant for Richardson Molding Facility (reporting purposes only);
- Ex Parte Administrative Order for Owner and Operator of SS Food Market (reporting purposes only);
- Commission Approval of Brownfield Completion;
- Commission Approval of Brownfield Consulting Firms; and
- Confirmation of the September 26, 2019 Commission meeting

This telephonic meeting will be held at 9:00 a.m. in the Commission Hearing Room at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi. As always, the public is invited to attend."

This notice was posted in the lobby of the MDEQ offices in Jackson on August 16, 2019.

Approval of Minutes

On motion made by Mr. Dane, seconded by Mr. Johnson and carried unanimously by Ms. Lathan, Ms. Martin, Mr. Phillips, and Mr. VanDevender, the minutes of the June 27, 2019, meeting were approved and adopted as the Official Minutes.

Water Pollution Control (Clean Water) State Revolving Fund Loan Program, Resolution of Necessity to Issue Bonds

Mr. Tony Caldwell stated that during the 2019 State legislative session, House Bill 1568 was passed and subsequently signed by the Governor. This bill provided for the issuance of \$7,940,000 in bonds to provide state matching funds required to obtain \$39,700,000 in available federal assistance for the

Water Pollution Control State Revolving Fund Loan Program. The funds are loaned at low interest rates to facilitate the construction or improvement of Wastewater Treatment facilities in the state. In order to initiate this process, the Commission must adopt a Resolution of Necessity for issuance of these bonds. The Commission was previously provided with a copy of the Resolution for consideration and staff recommended that the Commission adopt the Resolution of Necessity. Following staff presentation and after deliberation, on motion made by Mr. Phillips, seconded by Ms. Martin and carried unanimously by Mr. Dane, Mr. Johnson, Ms. Lathan, and Mr. VanDevender, the Commission voted to adopt the Resolution of Necessity for issuance of the bonds necessary to provide state matching funds required to obtain available federal assistance for the Water Pollution Control State Revolving Fund Loan Program.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Proposed Adoption of FY-2019 Intended Use Plan

On behalf of MDEQ staff, Mr. Tony Caldwell recommended the Commission adopt the proposed FY-2019 Intended Use Plan which was previously forwarded to the Commission for review. This document identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. Public comments on the draft Intended Use Plan were solicited through a public comment period and a public hearing. No comments were received. Following staff presentation and after deliberation, on motion made by Ms. Martin, seconded by Ms. Lathan and carried unanimously by Mr. Dane, Mr. Johnson, Mr. Phillips, and Mr. VanDevender, the Commission voted to adopt the FY-2019 Intended Use Plan.

Mississippi Commission on Environmental Quality v. High Cotton Oil Company, Inc., Proposed Final Order

Mr. Roy Furrh stated that the Commission adopted the Findings and Recommended Decision of designated Hearing Officer Trey Smith at its meeting on June 27, 2019, related to High Cotton Oil Company, Inc. An evidentiary hearing was previously held on February 27, 2019, and a monetary penalty was assessed by the Commission in the amount of \$50,600 for violations of the Commission's Underground Storage Tank Regulations. A proposed final Order memorializing the Commission's decision was previously provided to the Commission members for review. On behalf of staff, Mr. Furrh recommended adoption of the proposed final Order by the Commission. Following staff presentation and after deliberation, on motion made by Mr. Dane, seconded by Ms. Lathan and carried unanimously by Mr. Johnson, Ms. Martin, Mr. Phillips, and Mr. VanDevender, the Commission voted to adopt the proposed final Order memorializing the Commission's decision at its June 27, 2019, meeting related to High Cotton Oil Company, Inc., and that the final Order be executed by Chairman Winstead.

Environmental Covenant for Richardson Molding Facility

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), Ms. Lynn Chambers stated the Executive Director of MDEQ approved the Environmental Covenants between the Commission and ORG Mississippi Holdings, LLC regarding the remediation of property located at 931 Herman Alford Memorial Hwy, in Philadelphia, Neshoba County, Mississippi. ORG Mississippi Holdings, LLC operated the site as the Richardson Molding Facility, a plastic injection molding company. Environmental Site Assessments revealed a release of trichloroethene (TCE) impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. Staff of the MDEQ evaluated the proposed Environmental Covenant and believes that, with the conditions and restrictions contained within, the site will be in compliance with applicable State laws and standards and will be protective of the public health and the environment. This briefing was for informational purposes only, requiring no action by the Commission.

Ex Parte Administrative Order for Owner and Operator of SS Food Market

Under the authority of Miss. Code Ann. § 49-12-13 (Rev. 2012), Ms. Lynn Chambers stated the Executive Director of MDEQ issued an Ex Parte Administrative Order against the Kawaljit Singh, Sukhdev Singh, and SS Food Market LLC. These respondents own and/or operate an aboveground storage tank (AST) convenience store located at 841 S. Natchez Street, Kosciusko, Attala County, MS. On April 10, 2019, MDEQ investigated a reported release which revealed dead vegetation extending from the ASTs, across a third-party property and to a nearby creek emanating a strong petroleum odor. After requests to

address the petroleum contamination were not heeded, the Executive Director of the MDEQ issued an Ex Parte Administrative Order so that respondents must develop a work plan, submit it for approval, and conduct sampling investigation at this location to adequately delineate the soil contamination. This briefing was for informational purposes only, requiring no action by the Commission.

Commission Approval of Brownfield Completion

Ms. Lynn Chambers stated on August 23, 2018, the Commission reached a Brownfield Agreement (Commission Order #6879-18) with the City of Vicksburg, Warren County, MS, for the remediation of the former Kuhn Memorial Hospital in Vicksburg, Warren County, MS. On August 2, 2019, and in accordance with Rule 2.1.7.B of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi (11 Miss. Admin. Code Pt. 3, R. 2.1.7.B), the City of Vicksburg sent a petition to the Commission to make a determination as to the completion of Brownfield Agreement and as to the issuance of a "no further action" letter by the Executive Director. Staff of the MDEQ reviewed the petition, conducted the required inspection of the Brownfield Agreement Site, and recommended that the Commission issue an order in accordance with the Brownfield Regulations concluding that the City of Vicksburg completed Brownfield Agreement #6879-18. Following staff presentation and after deliberation, on motion made by Mr. Phillips, seconded by Mr. Johnson and carried unanimously by Mr. Dane, Ms. Lathan, Ms. Martin, and Mr. VanDevender, the Commission voted to issue an order in accordance with the Brownfield Regulations concluding that the City of Vicksburg completed Brownfield Agreement #6879-18, for the remediation of the former Kuhn Memorial Hospital in Vicksburg, MS.

Commission Approval of Brownfield Consulting Firm

Ms. Lynn Chambers stated that MDEQ staff reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and determined it to be complete and acceptable. Staff recommended that the Commission approve the following firm as a Brownfield Consulting Firm:

Bhate Environmental Associates Inc.
1608 13th Ave. South, Ste. 300
Birmingham, AL 35205

Following staff presentation and after deliberation, on motion made by Mr. Dane, seconded by Ms. Martin and carried unanimously by Mr. Johnson, Ms. Lathan, Mr. Phillips, and Mr. VanDevender, the Commission voted to approve Bhate Environmental Associates, Inc., from Birmingham, AL, as a Brownfield Consulting Firm.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, September 26, 2019, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR